1 2	Matthew B. Lehr (Bar No. 213139) Diem-Suong T. Nguyen (Bar No. 237557) David J. Lisson (Bar No. 250994)	
3	Chung G. Suh (Bar No. 244889) Jeremy Brodsky (Bar No. 257674)	
4	DAVIS POLK & WARDWELL LLP 1600 El Camino Real	
5	Menlo Park, California 94025 Telephone: (650) 752-2000	
6	Facsimile: (650) 752-2111	
7	Attorneys for Plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies	
8	UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10	SAN FRANCISCO DIVISION	
11	TYCO HEALTHCARE GROUP LP d/b/a VNUS MEDICAL TECHNOLOGIES,	LEAD CASE NO. C08-03129 MMC
13	Plaintiff,	) CASE NO. C08-03129 MMC
14	V.	) 
15	BIOLITEC, INC. and NEW STAR LASERS,	IN PART AND DENYING IN PART
16	INC. d/b/a COOLTOUCH, INC.,	PLAINTIFF'S MOTION FOR
17	Defendants.	ADMINISTRATIVE RELIEF TO FILE DOCUMENTS UNDER SEAL
18		) [CIVIL LOCAL RULES 7-11, 79-5]
19	TYCO HEALTHCARE GROUP LP d/b/a	) CASE NO. C08-04234 MMC
20	VNUS MEDICAL TECHNOLOGIES,	(consolidated with C08-3129 MMC)
21	Plaintiff,	)
22	V.	) )
23	TOTAL VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN SYSTEMS,	) )
24	,	)
25	Defendant.	ý )
26		) )
27		
	1	

 $[Proposed]\ Order\ Granting\ Plaintiff's\ Motion\ for\ Administrative\ Relief\ to\ File\ Documents\ Under\ Seal\ Case\ Nos.\ C08-03129\ MMC\ \&\ C08-04234\ MMC$ 

28

Before the Court is the Plaintiff's Motion for Administrative Relief to File Documents
Under Seal dated September 7, 2010, by which Plaintiff seeks leave to file under seal unredacted
versions of certain documents submitted in support of Plaintiff's Opposition to Defendants' Motion
in Limine No. 1 and Omnibus Opposition and Response to Defendants' Motions in Limine Nos. 2-
("VNUS's Opposition Briefs"). Having reviewed the parties' submissions filed in support of the
motion, the Court rules as follows:

- 1. The motion is GRANTED as to the following documents that the parties have shown contain material properly filed under seal, each of which the requesting party is directed to October 4, 2010 file under seal, no later than five ealendar days from the date of this order. See General Order 62 ("If a motion to file under seal is granted in full or in part, the requesting party will e-file the document according to the procedure outlined in the FAQs on the ECF website."):
  - The entirety of Exhibits 34 and 35 and designated portions of Exhibits 5 (page 63), 14 (page 34), 18 (Ex. A, pages 5-6), 20 (page 2), 26 (pages 13, 40-42, 45), 28 (pages 4-7), 30 (pages 195-96, 199-200), and 31 (pages 2-3, 5, 10, 12-15, 20) to the Declaration of Diem-Suong T. Nguyen in Support of VNUS's Opposition Briefs which contain information that has been designated by VNUS.

Designated portions of Exhibit 26 (pages 45-46)

- The entirety of Exhibits 1, 3, 9, 13, 22, 26, 29, 30, 32, 33, 38, and 39 and designated portions of Exhibits 4 (pages 73, 95), 5 (pages 56, 64), 14 (page 39), and 28 (pages 2, 3) to the Declaration of Diem-Suong T. Nguyen in Support of VNUS's Opposition Briefs which contain information that has been designated by the Defendants. defendant Total Vein Solutions, LLC.
- Designated portions of VNUS's Opposition Briefs, dated September 7, 2010, specifically, those portions in which the content of the above-referenced exhibits or portions thereof are discussed.
- 2. The motion is DENIED as to Exhibits 1, 3, 4 (pages 73, 95), 5 (pages 56, 64), 9, 13, 14 (page 39), 22, 28 (pages 2-3), 29, 30 (pages 101-102, 104, 217-219, 260-262), 32, 33, 38, and 39 to the Declaration of Diem-Suong T. Nguyen, for the reason that no party has filed a declaration to show that any such exhibit, or portion thereof, is properly filed under seal. See Civil Local Rule 79-5(d). Plaintiff is DIRECTED to file such exhibits in the public record no later than October 4, 2010.

IT IS SO ORDERED.

Dated: September 28, 2010

HOM. MAXINE M. CHESNE United States District Judge